

**CITY OF BROKEN ARROW
PLANNING COMMISSION MEETING
MINUTES
December 4, 2003**

The Planning Commission Agenda for this meeting was posted on November 28, 2003, at 11:00 a.m. on the City Hall Bulletin Board, 220 S. First Street.

1. The Broken Arrow Planning Commission met on Thursday, December 4, 2003, at 5:01 p.m.

2. Present: Robert Goranson, Chairman
Renate Caldwell, Vice Chairperson
Mike Lester, Commission Member
Johnnie Parks, Commission Member
Ricky Jones, Commission Member

Absent: None

Staff Present: Farhad K. Daroga, City Planner
Brent Murphy, Assistant City Planner
Karl Fritschen, Staff Planner
April Parnell, Ass't City Attorney
Jeff Westfall, Engineering Dept

3. The Commission considered the minutes of the regular Planning Commission meeting held November 20, 2003. **Motion** by Mike Lester to approve the November 20, 2003, minutes as presented. The motion was seconded by Johnnie Parks.

Yes: Jones, Parks, Lester, Goranson

No: None

Abstain: Caldwell

Motion Approved

4. The Commission considered the Consent Agenda. Farhad Daroga reviewed each item on the Consent Agenda. Item Nos. 4A, 4B and 4D were removed from the Consent Agenda.

Motion by Mike Lester to approve Item 4C. on the Consent Agenda, as recommended by Staff. The motion was seconded by Johnnie Parks.

Yes: Jones, Parks, Lester, Caldwell, Goranson

No: None

Motion Approved.

4C. ST03-140, DN03-195, Reagor office/warehouse site plan, 14,700 square feet, I-1/PUD 47, Lot 15, Block 7, 6100 Center, Joseph Reagor. (Applicant). The applicant was present. This item was approved as recommended by Staff.

5. **ITEMS REMOVED FROM CONSENT AGENDA**

- 4A. PT03-129, DN03-192, Midfirst (Bank) on Kenosha preliminary plat, 2.22 acres, northeast corner of Aspen (145th) Avenue and Kenosha Street, Tanner Consulting, LLC (Engineer).

Ricky Jones left the room.

Bob Goranson said this item was removed from the Consent Agenda due to a conflict of interest by Commission member Ricky Jones. The applicant was present.

Motion by Mike Lester to approve PT03-129, Midfirst on Kenosha preliminary plat. The motion was seconded by Johnnie Parks.

Yes: Parks, Lester, Caldwell, Goranson

No: None

Motion Approved.

Ricky Jones returned to the meeting.

- 4B. ST03-139, DN03-194, Arby's at Tiger Plaza, 0.85 acres, C-3, one-quarter mile east of 23rd Street (193rd East Avenue/County Line Road), on the north side of Kenosha Street, DeShazo Tang & Associates, (Applicant). Farhad Daroga presented the background, saying this site is one of four parcels in Tiger Plaza. He said some of the infrastructure, drainage in particular, related to Kenosha Street, has not been taken care of yet, city Staff is working with the developer. He said a letter was received today from Arby's saying they are aware of this situation. He said Staff recommends approval of this application with a condition added that infrastructure items and conditions pertaining to Kenosha Street and its improvement for Tiger Plaza have not been completed and a building permit will not be issued until after these items have been addressed. He outlined the problem.

Nicole Peltier, DaShazo, Tang & Associates, engineers, 10830 East 45th Street, Suite 204, Tulsa, representing Arby's, said they understand the problem and what needs to be taken care of. Mike Lester asked if onsite detention was required and Farhad Daroga said there is on site detention, but there are grade problems on the outside lane on Kenosha that need to be resolved. Discussion followed.

Motion by Mike Lester to approve this plat with Staff's modified recommendation. The motion was seconded by Johnnie Parks.

Yes: Jones, Parks, Lester, Caldwell, Goranson

No: None

Motion Approved.

- 4D. BAL 847, Stonemill Commercial Center, 2.08 acres, C-2/PUD 72, one-third mile east of Olive (129th East) Avenue on the south side of Kenosha Street, Jeffrey Levinson (Applicant).
6. PUD 72A, Stonemill Commercial Center, 2.08 acres, C-2/PUD 72, one-third mile east of Olive (129th East) Avenue on the south side of Kenosha Street, Jeffrey Levinson (Applicant).

Item Nos. 4D and 6 were considered together.

6. continued

Farhad Daroga presented the background, saying this commercial lot is part of PUD 72 and specifications were written for it and C-2 zoning was approved for it and it has minimum lot frontage of 200 feet. A front building line of 60-feet was established and a rear building line of 50-feet.

Mr. Daroga said the primary reason for this PUD amendment is to allow a smaller lot size so they can split the lot. They are asking that the minimum lot size be reduced to allow one lot of 37,800 square feet, the minimum lot frontage be reduced to 180-feet, the building setback along Kenosha Street be reduced from 60-feet to 50-feet and the building line setback from the south boundary be increased from 35-feet to 50-feet and the building line setback along the east and west boundaries be increased from 20-feet to 30-feet.

Mike Lester asked if both lots would share the one entrance and Farhad Daroga said they would and that would be part of the PUD agreement.

The applicant, Jeffrey Levinson, was present and said he had nothing to add. Also present was Daniel Jenkins and others representing the ownership.

Al Hanchett, 900 N. Hemlock, Broken Arrow, said he wanted clarification on the side yard definition and Farhad Daroga explained. Mr. Hanchett said when he bought his home, based on the zoning, the car wash was not a permitted use. However, with the inception of 24-hour car wash business operation he has 24-hours of light in his back yard, rendering it unusable, as the light is blinding. He said there is also a great deal of noise. He said the setbacks may become a problem as well, depending on other businesses that may come in. Discussion followed regarding the required fencing between residential and commercial uses.

John Clawson, 904 N. Hemlock, Broken Arrow, said he and his group agree with everything Mr. Hanchett said and they will be back when this property is sold to discuss these issues to make sure the value of their homes is not affected by what is put in there.

Ricky Jones asked Mr. Clawson if he disagreed with the setbacks. Mr. Clawson said he did not. He said he thought the setback would go to zero and that is why all these people are here. He said he sees that is not the case and that the setback changes will be positive. He said they will be back when the property is sold.

William Fletcher, 805 N. Hemlock, Broken Arrow, said his main concern is the fencing and asked that the fencing be required to be eight feet, brick. It was clarified that the City does not require privacy fences to be made of brick. Mr. Fletcher asked that the present lighting code be enforced.

Barry Avey, 709 North Magnolia Avenue, asked for and received clarification regarding the property owners that received notice of this hearing.

Bob Goranson asked Farhad Daroga for his recommendation on the privacy fence. Mr. Daroga said the fence was not part of the application but the applicant had previously indicated there was no problem with a fence. Discussion followed.

Jeff Levinson, 35 East 18th Street, representing Builders Development Corp., the property owner, said his client wants to do what is appropriate, until the use is known. Discussion followed.

- 4D. Farhad Daroga said Staff recommends approval of Item No. 4D, BAL 847, with all the listed conditions, and the approval of PUD 72A.

Motion by Johnnie Parks to approve BAL 847 as recommended by Staff. The motion was seconded by Mike Lester.

Yes: Jones, Parks, Lester, Caldwell, Goranson

No: None

Motion Approved.

6. **Motion** by Mike Lester to recommend approval of PUD 72A as recommended by Staff with the additional requirement of an opaque eight-foot fence. The motion was seconded by Johnnie Parks.

Yes: Jones, Parks, Lester, Caldwell, Goranson

No: None

Motion Approved.

Bob Goranson said this item will be considered by the City Council in their meeting of January 5, 2004 at 7:00 p.m.

7. The Commission considered BAZ 1617, Midfirst Bank, 2.3 acres, C-3 and C-5 to C-3, north of the northeast corner of Kenosha Street and Aspen (145th East) Avenue, R. L. Reynolds (Applicant).

Ricky Jones left his seat due to a possible conflict of interest.

Farhad Daroga presented the background, saying this property was platted in the 1970s as Lucien Addition and two separate zoning boundaries granted. He said the applicant is requesting C-3 zoning on the entire site and is in compliance with the Comprehensive Plan.

Lou Reynolds, 2727 East 21st Street, Tulsa, representing the applicant requested the rezoning request be approved. There were no protestants.

Motion by Mike Lester to recommend approval as recommended by Staff. The motion was seconded by Johnnie Parks.

Yes: Parks, Lester, Caldwell, Goranson

No: None

Motion Approved.

Bob Goranson said this item will be considered by the City Council in their meeting of January 5, 2004 at 7:00 p.m.

Ricky Jones returned to his seat.

8. The Commission held a public hearing regarding an amendment to Article IV of the Zoning Ordinance, Permitted Uses in zoning districts, by allowing "Electronic Assembly" in the C-1, C-1P, C-2, C-3, C-5, I-S, I-1 and I-2 zoning districts. Farhad Daroga said the Planning Commission reviewed this item in their last meeting as a discussion item. He said this hearing is to consider creation of a new land use category to be labeled "Electronic Assembly" which would allow that type of use in the C-1, C-1P, C-2, C-3, C-5, I-S, I-1 and I-2 zoning districts.

8. continued

Johnnie Parks asked if any problems are foreseen with identifying the different companies and Mr. Daroga said there are not, that the scope of these industries is large. Discussion followed.

The floor was opened to the public. No one came forward. The hearing was closed.

Motion by Mike Lester to recommend approval of the new land use category to be labeled "Electronic Assembly." The motion was seconded by Renate Caldwell.

Yes: Jones, Parks, Lester, Caldwell, Goranson

No: None

Motion Approved.

Bob Goranson said this item will be considered by the City Council in their meeting of January 5, 2004 at 7:00 p.m.

9. Discussion of previous request to conduct a joint work/study session and meeting of the Broken Arrow City Council and the Broken Arrow Planning Commission. Bob Goranson asked about the date and Farhad Daroga said the Thursday between the January Planning Commission dates might be a good date. Bob Goranson said, in relation to the location, somewhere that would allow a round table discussion would be preferable. Mike Lester suggested Central Middle School as a location and the Community Center was suggested. The time of 7:00 p.m. was discussed. Farhad Daroga said he would like to hear about items the Commission is interested in discussing for purposes of an agenda. He said the City Council may wish to discuss with the Commission and Board of Adjustment the upcoming bond issue. Johnnie Parks suggested space be left open to talk about the differences between the Commission and the City Council.

10. **REMARKS, INQUIRIES AND COMMENTS BY PLANNING COMMISSION AND STAFF**
NO ACTION

Farhad Daroga said in the last City Council meeting, he was asked if the Planning Commission had taken any action on the five-foot and five-foot side yards in the R-2 zoning district. He said he would place that item on the next Planning Commission as a discussion item to obtain feedback from the Planning Commissioners.

11. **Motion** by Ricky Jones at 5:57 p.m. to adjourn. The motion was seconded by Mike Lester.

Yes: Jones, Parks, Lester, Caldwell, Goranson

No: None

Motion approved